

BEFORE THE  
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MOJGAN V. HASSANI  
11984 Rancho Bernardo Rd. #F  
San Diego, CA 92128

Occupational Therapy Assistant Certificate  
No. OTA 1532

Respondent.

Case No. OA 2006-360


OAH No. 2009100892

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Occupational Therapy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 23, 2010.

It is so ORDERED March 24, 2010.

  
FOR THE CALIFORNIA BOARD OF  
OCCUPATIONAL THERAPY  
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 State Bar No. 132645  
BLANCA I. LOPEZ  
4 Senior Legal Analyst  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2610  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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9 **BEFORE THE**  
**CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **MOJGAN V. HASSANI**  
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14 San Diego, CA 92128

15 Occupational Therapy Assistant  
Certificate No. OTA 1532

16 Respondent.

Case No. OA 2006-360

OAH No. 2009100892

17 **STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Heather Martin (Complainant) is the Executive Officer of the California Board of  
22 Occupational Therapy. She brought this action solely in her official capacity and is represented  
23 in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by James M.  
24 Ledakis, Supervising Deputy Attorney General, and by Blanca I. Lopez, Senior Legal Analyst.

25 2. Respondent Mojgan V. Hassani is represented in this proceeding by attorney Kevin  
26 C. Murphy, Esq., whose address is 5941 Caminito Yucatan, San Diego, CA 92108.

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1           3.     On or about February 7, 2006, the California Board of Occupational Therapy issued  
2 Occupational Therapy Assistant Certificate No. OTA 1532 to Mojgan V. Hassani (Respondent).  
3 The Occupational Therapy Assistant Certificate was in full force and effect at all times relevant to  
4 the charges brought in Accusation No. OA 2006-360 and will expire on April 30, 2011, unless  
5 renewed.

6                                   JURISDICTION

7           4.     Accusation No. OA 2006-360 was filed before the California Board of Occupational  
8 Therapy, Department of Consumer Affairs, and is currently pending against Respondent. The  
9 Accusation and all other statutorily required documents were properly served on Respondent on  
10 September 24, 2009. Respondent timely filed her Notice of Defense contesting the Accusation.  
11 A copy of Accusation No. OA 2006-360 is attached as exhibit A and incorporated herein by  
12 reference.

13                                   ADVISEMENT AND WAIVERS

14           5.     Respondent has carefully read, fully discussed with counsel, and understands the  
15 charges and allegations in Accusation No. OA 2006-360. Respondent has also carefully read,  
16 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
17 Disciplinary Order.

18           6.     Respondent is fully aware of her legal rights in this matter, including the right to a  
19 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
20 the witnesses against her; the right to present evidence and to testify on her own behalf; the right  
21 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
22 documents; the right to reconsideration and court review of an adverse decision; and all other  
23 rights accorded by the California Administrative Procedure Act and other applicable laws.

24           7.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
25 every right set forth above.

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9. Respondent agrees that her Occupational Therapy Assistant Certificate is subject to discipline and she agrees to be bound by the California Board of Occupational Therapy's imposition of discipline as set forth in the Disciplinary Order below.

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13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Occupational Therapy Assistant Certificate No. OTA 1532 issued to Respondent Mojgan V. Hassani (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and regulations governing the practice of occupational therapy in California. Respondent shall submit, in writing, a full detailed account of any and all ARRESTS AND/OR CONVICTIONS to the Board within five (5) days of occurrence.

2. **Compliance with Probation and Quarterly Reporting.** Respondent shall fully comply with the terms and conditions of probation established by the Board and shall cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with probation. Respondent, within ten (10) days of completion of the quarter, shall submit quarterly written reports to the Board on a Quarterly Report of Compliance form obtained from the Board.

3. **Personal Appearances.** Upon reasonable notice by the Board, respondent shall report to and make personal appearances at times and locations as the Board may direct.

4. **Notification of Address and Telephone Number Change(s).**

Respondent shall notify the Board, in writing, within five (5) days of a change of residence or mailing address, of her new address and any change in work and/or home telephone numbers.

5. **Tolling for Out-of-State Practice, Residence or In-State Non-Practice.**

In the event respondent should leave California to reside or to practice outside the State for more than thirty (30) days, respondent shall notify the Board or its designee in writing within ten (10) days of the dates of departure and return. All provisions of probation other than the OBEY ALL LAWS, NOTIFICATION OF ADDRESS AND TELEPHONE NUMBER CHANGE(S),

1 MAINTENANCE OF A VALID, ACTIVE LICENSE, AND COST RECOVERY, shall be held  
2 in abeyance until respondent resumes practice in California. All provisions of probation shall  
3 recommence on the effective date of resumption of practice in California.

4       **6. Notification to Employer(s).** When currently employed or applying for employment  
5 in any capacity in any health care profession, Respondent shall notify her employer of the  
6 probationary status of respondent's license. This notification to the current employer shall occur  
7 no later than the effective date of the Decision. Respondent shall notify any prospective health  
8 care employer of her probationary status with the Board prior to accepting such employment.  
9 This notification shall be made by providing the employer or prospective employer with a copy of  
10 the Board's Accusation and Stipulated Settlement and Disciplinary Decision and Order.

11       Respondent shall cause each health care employer to submit quarterly reports to the Board.  
12 The reports shall be on a form provided by the Board, shall include a performance evaluation and  
13 such other information as may be required by the Board.

14       Respondent shall notify the Board, in writing, within five (5) days of any change in  
15 employment status. Respondent shall notify the Board, in writing, within five (5) days if she is  
16 terminated from any occupational therapy or health care related employment with a full  
17 explanation of the circumstances surrounding the termination.

18       **7. Employment Requirements and Limitations.** During probation, respondent shall  
19 work in her licensed capacity in the State of California. This practice shall consist of no less than  
20 (6) continuous months and of no less than twenty (20) hours per week.

21       While on probation, respondent shall not work for a registry or in any private duty position,  
22 except as approved, in writing, by the Board. Respondent shall work only on a regularly  
23 assigned, identified, and pre-determined work site(s) and shall not work in a float capacity except  
24 as approved, in writing, by the Board.

25       **8. Supervision Requirements.** Respondent shall obtain prior approval from the Board,  
26 before commencing any employment, regarding the level of supervision provided to the  
27 respondent while employed as an occupational therapy assistant.

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Respondent shall not function as a supervisor during the period of probation except as approved, in writing, by the Board.

9. **Continuing Education Requirements.** Respondent shall complete continuing education in the area of Law and Ethics for twelve (12) contact hours to be completed in addition to the professional development activities required for license renewal. Continuing education shall be completed within the first year from the effective date of the Decision.

Within thirty (30) days of the effective date of this Decision and Order in this matter, respondent shall submit a written plan to comply with this requirement. The Board shall approve such plan prior to enrollment in any course of study.

Failure to satisfactorily complete the required continuing education as scheduled shall constitute a violation of probation. Respondent is responsible for all costs of such continuing education. Upon successful completion of the course(s), respondent shall send the original certificate she receives for the coursework to the Board within thirty (30) days of course completion.

10. **Maintenance of Valid License.** Respondent shall, at all times while on probation, maintain an active current license with the Board, including any period during which license is suspended or probation is tolled.

11. **Cost Recovery Requirements.** Respondent shall pay the Board \$3,967.25 as and for the reasonable costs of the investigation and prosecution in this matter pursuant to Business and Professions Code section 125.3. Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with the payments to be completed no later than six months prior to the end of the probation term. Respondent shall make the check or money order payable to the Board of Occupational Therapy and shall indicate on the check or money order that it is the cost recovery payment for Case No. OA 2006-360. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full payment has been made. Should any part of cost recovery not be paid in accordance with the outlined payment schedule, Respondent shall be considered to be in violation of probation. A

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1 period of non-practice by Respondent shall not relieve Respondent of her obligation to reimburse  
2 the Board for its costs.

3       **12. Violation of Probation.** If respondent violates probation in any respect, the Board,  
4 after giving respondent notice and opportunity to be heard, may revoke probation and carry out  
5 the disciplinary order which was stayed. If an accusation or a petition to revoke probation is filed  
6 against respondent during probation, the Board shall have continuing jurisdiction until the matter  
7 is final, and the period of probation shall be extended until the matter is final.

8       **13. Completion of Probation.** Respondent shall not be considered for early termination  
9 of probation or modification of probation. Respondent shall be required to successfully complete  
10 the three-year term of probation in compliance with all terms and conditions here stated. Upon  
11 successful completion of probation, respondent's license will be fully restored.

12       **14. Psychotherapy.** Within thirty (30) days of the effective date of the Decision,  
13 respondent shall submit to the Board the name of one (1) or more proposed therapists for prior  
14 approval. Respondent shall participate in ongoing psychotherapy with a California licensed or  
15 legally registered mental health professional approved by the Board. Upon approval by the  
16 Board, respondent shall commence psychotherapy. Respondent shall provide the therapist with a  
17 copy of the Board's Disciplinary Order no later than the first counseling session. Counseling  
18 shall be at least two (2) times per month, unless otherwise determined by the Board. Respondent  
19 shall continue in such therapy at the Board's discretion. Cost of such therapy shall be paid by  
20 respondent.

21       Respondent shall cause the therapist to submit to the Board a written report concerning  
22 respondent's psychotherapy status and progress as well as such other information as may be  
23 requested by the Board. The initial psychotherapy report shall be submitted within sixty (60)  
24 days from the effective date of the Decision. Respondent shall cause the therapist to submit  
25 quarterly written reports to the Board concerning respondent's fitness to practice, progress in  
26 treatment and to provide such other information as may be required by the Board.

27       If the therapist finds that the respondent is not fit to practice safely, or can only practice  
28 with restrictions, the therapist shall notify the Board, in writing, within five (5) working days.



1 The Board shall notify respondent to cease or restrict licensed activities as a condition of  
2 probation. Respondent shall comply with this condition until the Board is satisfied of  
3 respondent's fitness to practice safely and has so notified respondent. Respondent shall document  
4 compliance with this condition in the manner required by the Board.

5 15. **Chemical Dependency Support/Recovery Groups.** If required by the Board  
6 based upon the clinical evaluation performed pursuant to Condition 14, above, within five (5)  
7 days of being notified by the Board, respondent shall begin attendance at a chemical dependency  
8 support group (e.g., Alcoholics Anonymous, Narcotics Anonymous) and attend a minimum of  
9 one (1) time per week. Verified documentation of attendance shall be submitted by respondent  
10 with each quarterly report. Respondent shall continue attendance in such a group for the duration  
11 of probation.

12 16. **Abstain From Controlled Substances.** Respondent shall completely abstain  
13 from the personal use or possession of controlled substances, as defined in the California Uniform  
14 Controlled Substances Act, and dangerous drugs as defined in section 4021 and 4022 of the  
15 Business and Professions Code, except when lawfully prescribed by a legally authorized health  
16 care professional as part of documented medical treatment. Within ten (10) days of being  
17 prescribed any drug, Respondent shall have the prescribing health professional send to the Board  
18 a report identifying the medication, dosage, the date the medication was prescribed, the  
19 respondent's prognosis, the date the medication will no longer be required, and the effect on the  
20 respondent's recovery plan.

21 17. **Abstain From Use of Alcohol.** Respondent shall completely abstain from the use  
22 of alcoholic beverages during the period of probation.

23 18. **Submit Biological Fluid Samples.** Respondent shall immediately submit to  
24 biological fluid testing, at respondent's cost, upon request by the Board or its designee. There  
25 will be no confidentiality in the test results; positive test results will be immediately reported to  
26 the Board and the respondent's current employer.

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STIPULATED SETTLEMENT AND DISCIPLINARY ORDER

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Kevin C. Murphy, Esq. I understand the stipulation and the effect it will have on my Occupational Therapy Assistant Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Board of Occupational Therapy.

DATED: \_\_\_\_\_

\_\_\_\_\_  
MOJGAN V. HASSANI  
Respondent

I have read and fully discussed with Respondent Mojgan V. Hassani the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2.19.10

  
\_\_\_\_\_  
KEVIN C. MURPHY, Esq.  
Attorney for Respondent

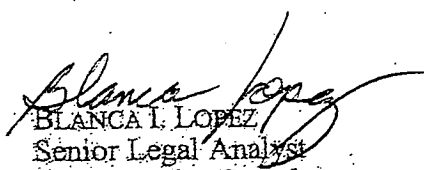
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California Board of Occupational Therapy of the Department of Consumer Affairs.

Dated: 3-3-10

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General

  
BLANCA I. LOPEZ  
Senior Legal Analyst  
Attorneys for Complainant